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**From:** Magnuson, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BAD0A5724AF49929292EF24F1A21655-JMAGNUSO]  
**Sent:** 8/9/2017 11:38:57 PM  
**To:** Rapicavoli, Emmanuelle [Rapicavoli.Emmanuelle@epa.gov]  
**Subject:** RE: Call w/Lionel on Hopi Villages

Thanks Emmanuelle, that sounds encouraging.

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**From:** Rapicavoli, Emmanuelle  
**Sent:** Wednesday, August 9, 2017 4:33 PM  
**To:** Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Johnson, AudreyL <Johnson.AudreyL@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>; Wells, Kimberly <wells.kimberly@epa.gov>; Chan, Patrick <Chan.Patrick@epa.gov>; Hecht, Hillary <Hecht.Hillary@epa.gov>  
**Subject:** RE: Call w/Lionel on Hopi Villages

A few updates on the MOUs from my call today with IHS and the HUC:

- 1) Tim has stated that the MOU now incorporates the proposed rate structure from the Strategic Plan that was developed in 2014 by GHD and OEM (under contract with IHS). Those should be ceiling/conservative rates. He also stated that there will be four individual agreements, one for each village that will be signed by the Village, the HUC and the Tribe.
- 2) Sipaulovi Village has signed the MOU (last night) that includes the rate structure by reference. Tim has stated he can provide me a copy, I will pass along once I have that.
- 3) Shungopavi is seeking approval from their traditional leader to sign the agreement since they do not have a board in place. Tim did not have an ETA on them signing.
- 4) Mishongnovi – The village board will meet tomorrow to vote on a signature. If they don't have a quorum, they will meet again at the end of August.
- 5) FMCV- Tim is still having issues with FMCV and stated he needs to develop a new strategy to work with them.
- 6) The HUC board and the Hopi Tribe also need to adopt the agreements which it sounds like they should be able to do in the near term.

The majority of our discussion is focused on a strategy for addressing USDA's PER comments. We (IHS, EPA, HUC) plan to provide a written response to those comments in advance of our meeting in September with USDA. We are having weekly calls to advance this effort and I will share that once we have formalized a response.

Once I have a copy of the signed MOU from Sipaulovi and templates for the other villages I will pass those on and think this may be where some pressure could be placed on FMCV in particular. I will keep you posted.

Thanks,

Emmanuelle

Emmanuelle Rapicavoli  
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San Francisco, Ca 94105  
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**Please:** All data submittals to our office should be sent by email to [datamanager@epa.gov](mailto:datamanager@epa.gov) with a copy to me (or your project manager in the Drinking Water Office). Data reports are due no later than the 10<sup>th</sup> of the month following the month that you receive results, or the 10<sup>th</sup> of the month following the compliance period, whichever comes first. Please include the whole lab report and copy of the Chain of Custody. Label with PWS name and number; & source or distribution system location codes or names for data collection points.

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**From:** Rodriguez, Roberto

**Sent:** Tuesday, August 08, 2017 8:15 AM

**To:** Johnson, AudreyL <[Johnson.AudreyL@epa.gov](mailto:Johnson.AudreyL@epa.gov)>; Magnuson, Janet <[Magnuson.Janet@epa.gov](mailto:Magnuson.Janet@epa.gov)>; Wells, Kimberly <[wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov)>; Rapicavoli, Emmanuelle <[Rapicavoli.Emmanuelle@epa.gov](mailto:Rapicavoli.Emmanuelle@epa.gov)>; Chan, Patrick <[Chan.Patrick@epa.gov](mailto:Chan.Patrick@epa.gov)>; Hecht, Hillary <[Hecht.Hillary@epa.gov](mailto:Hecht.Hillary@epa.gov)>

**Subject:** RE: Call w/Lionel on Hopi Villages

All,

## Ex. 5 Deliberative Process (DP)

To me, the three primary issues that need to be addressed to get villages on a path towards compliance via the HAMP are the following:

1. MOAs: Tribe and villages need to work closely w/IHS, Water and USDA to develop language that addresses all of the agencies concerns;
2. Response to USDA/PER comments: Emmanuelle said at our last meeting that Water's and IHS's response will be completed by this month or before a potential meeting w/USDA and others in early Sept. User rates is USDA's primary concern; and
3. Can/will USDA underwrite the HUC's loan and work on this project?
4. Other(s)?

## Ex. 5 Deliberative Process (DP)

Anyway, I appreciate everyone's hard work on this case and input. I would imagine Thanne would support my office meeting w/our counterparts at IHS and USDA at any time to figure this out.

Roberto Rodriguez, Manager  
Safe Drinking Water Act Enforcement Office  
Enforcement Division, EPA Region 9

75 Hawthorne Street (ENF-3-3)  
San Francisco, CA 94105  
415-972-3302

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**From:** Johnson, AudreyL

**Sent:** Tuesday, August 8, 2017 7:30 AM

**To:** Magnuson, Janet <[Magnuson.Janet@epa.gov](mailto:Magnuson.Janet@epa.gov)>; Wells, Kimberly <[wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov)>; Rodriguez, Roberto <[Rodriguez.Roberto@epa.gov](mailto:Rodriguez.Roberto@epa.gov)>; Rapicavoli, Emmanuelle <[Rapicavoli.Emmanuelle@epa.gov](mailto:Rapicavoli.Emmanuelle@epa.gov)>; Chan, Patrick <[Chan.Patrick@epa.gov](mailto:Chan.Patrick@epa.gov)>; Hecht, Hillary <[Hecht.Hillary@epa.gov](mailto:Hecht.Hillary@epa.gov)>

**Subject:** RE: Call w/Lionel on Hopi Villages

Hello All,

# Ex. 5 Deliberative Process (DP)

Acting Manager, Drinking Water Protection Section (WTR 3-2)  
US EPA Region 9, Water Division  
75 Hawthorne Street  
San Francisco, CA 84106  
PHONE: 415.972.3431

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**From:** Magnuson, Janet

**Sent:** Monday, August 07, 2017 4:13 PM

**To:** Wells, Kimberly <[wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov)>; Rodriguez, Roberto <[Rodriguez.Roberto@epa.gov](mailto:Rodriguez.Roberto@epa.gov)>; Rapicavoli, Emmanuelle <[Rapicavoli.Emmanuelle@epa.gov](mailto:Rapicavoli.Emmanuelle@epa.gov)>; Chan, Patrick <[Chan.Patrick@epa.gov](mailto:Chan.Patrick@epa.gov)>; Hecht, Hillary <[Hecht.Hillary@epa.gov](mailto:Hecht.Hillary@epa.gov)>

**Cc:** Johnson, AudreyL <[Johnson.AudreyL@epa.gov](mailto:Johnson.AudreyL@epa.gov)>

**Subject:** RE: Call w/Lionel on Hopi Villages

Thanks Roberto. Good points Kimby, I agree with your recommendations. It would be ideal if Lionel could hold the meetings and be the POC with the villages, and assist in developing the MOAs that meet IHS/USDA and the Villages needs and expectations. Then we should try to meet with the Villages/Tribe. I think trying to meet with the Villages before the MOAs are further developed may not be productive.

Janet

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**From:** Wells, Kimberly

**Sent:** Monday, August 7, 2017 3:29 PM

**To:** Rodriguez, Roberto <[Rodriguez.Roberto@epa.gov](mailto:Rodriguez.Roberto@epa.gov)>; Rapicavoli, Emmanuelle <[Rapicavoli.Emmanuelle@epa.gov](mailto:Rapicavoli.Emmanuelle@epa.gov)>; Magnuson, Janet <[Magnuson.Janet@epa.gov](mailto:Magnuson.Janet@epa.gov)>; Chan, Patrick <[Chan.Patrick@epa.gov](mailto:Chan.Patrick@epa.gov)>; Hecht, Hillary <[Hecht.Hillary@epa.gov](mailto:Hecht.Hillary@epa.gov)>  
**Cc:** Johnson, AudreyL <[Johnson.AudreyL@epa.gov](mailto:Johnson.AudreyL@epa.gov)>  
**Subject:** RE: Call w/Lionel on Hopi Villages

My view is that first the Tribe needs to develop an MOA that meets IHS's needs and addresses the villages concerns about vagueness. (Alternatively, maybe IHS could help draft the MOAs, but I do not feel that it is EPA's role to draft agreements to which we are not a party.)

## Ex. 5 Attorney Client (AC)

That being said, yes September is going to work better for Janet and me to make the trip.

Kimby

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San Francisco, CA 94105  
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This email, including attachments, may contain information that is confidential and/or protected by the Attorney-Client or other privileges.

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**From:** Rodriguez, Roberto  
**Sent:** Monday, August 7, 2017 9:51 AM  
**To:** Wells, Kimberly <[wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov)>; Rapicavoli, Emmanuelle <[Rapicavoli.Emmanuelle@epa.gov](mailto:Rapicavoli.Emmanuelle@epa.gov)>; Magnuson, Janet <[Magnuson.Janet@epa.gov](mailto:Magnuson.Janet@epa.gov)>; Chan, Patrick <[Chan.Patrick@epa.gov](mailto:Chan.Patrick@epa.gov)>; Hecht, Hillary <[Hecht.Hillary@epa.gov](mailto:Hecht.Hillary@epa.gov)>  
**Cc:** Johnson, AudreyL <[Johnson.AudreyL@epa.gov](mailto:Johnson.AudreyL@epa.gov)>  
**Subject:** Call w/Lionel on Hopi Villages

FYI: Lionel finally called me this past Friday and explained that he's been busy meeting w/contractors on water rights issues. He didn't have many updates on the villages and signing of the MOAs. Lionel guessed that the MOAs would be signed by all the villages by the end of August. We heard the same for July, I said the same. Lionel noted that Tim Bodell, the HUC Director, is leading the outreach effort and meeting w/the villages. I said Tim is not the best person for this job and recommended that Lionel take the lead on this work. Lionel said he thought it would still be a good idea for us to come out this month to meet w/the villages and Water and Energy Team to put pressure on folks to sign the MOAs. Lionel said he would report back on the MOAs by the end of this week.

I know travel in August might be challenging for Kimby, so September might be better.

Roberto Rodriguez, Manager  
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